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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,046	06/20/2003	Sidney I. Katz	KATZS-005A	6016

7663 7590 01/10/2005

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EXAMINER	
LIEU, JULIE BICHNGOC	

ART UNIT	PAPER NUMBER
2636	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,046	KATZ, SIDNEY I.	
	Examiner	Art Unit	
	Julie Lieu	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) *21-37* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/22/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to Applicant's response filed September 07, 04. Claims 1-20 of group I have been elected. No claims have been amended, canceled, or added. Claims 21-37 have been withdrawn from consideration.

Claim Rejections - 35 USC § 103

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-6 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US Patent No. 6,411,207) in view of Livingston, III (US Patent No. 5,075,671).

Claim 1:

Shaffer discloses a personal alarm system carried by a user comprising:

a. Output devices including:

i. A locator signal generator (col. 5, lines 19-31)

ii. A speaker 30

b. Input sensors including

iii. A vibration sensor, the accelerometer, for detecting earth quake

The reference fails to disclose a light to emit warning light to notify the rescue personnel of the location of the user. However, the use of a light to aid in finding the user of a personal alarm device is old in the art as taught in Livingston, III. See abstract. Therefore, in light of this teaching, it would have been obvious to one skilled in the art to use a light in the device of Shaffer because it would aid the rescue squad in finding the person when life-threatening situation occurs.

The reference also fails to disclose the use of a push button to activate the selective output devices. However, Livingston teaches the use of button 3 to activate the alarm output deice, such as the horn 19, so that a rescue personnel would be aware of the pending emergency situation and also the location of the personal alarm system user would be easily found. Thus, a skilled artisan would have readily recognized the desirability of adding a push button switch in the system of Shaffer to facilitate the request for help by the user for the same reason.

Claims 2 and 3:

In Shaffer, the locator signal generator is operative to emit GPS signal of a location of the user through a satellite communications signal. See col. 5, lines 19-31.

Claim 4:

Though it is not clearly disclosed in Shaffer that the GPS signal is emitted through a cellular phone signal, the reference does suggest some wireless communications of the GPS signal between the user and a base station. Moreover, the use of cellular phone communication to transmit GPS signal is conventional in the art. Thus, it would have been obvious to one

skilled in the art to use cellular phone network to communicate signals as desired because its use is widely known and conventional in the art.

Claims 5 and 6:

It is not clear what frequency and/or decibel the sound from the speaker in Shaffer emits. However, it would have been obvious to one skilled in the art to use a frequency range applicable to the application, such that the sound would be heard or recognized by the rescue personnel.

Claim 9:

It is not clear whether the warning light in the combined system is red, yellow, or white, but these colors are conventional warning light colors; therefore, one of ordinary skill in the art would have use any or the combination of these colors as a color for the warning light in the combined system of Shaffer and Livingston, III.

Claims 10-11:

The output devices in Shaffer and Livingston, III appear to stay on once activated until they are deactivated. However, it would have been obvious to one skilled in the art to intermittently activate the output device because it would be desirable to conserve energy.

Claim 12:

The accelerometer in Shaffer is a vibration sensor which detects earthquake.

Claim 13:

The earthquake sensor in Shaffer is operative to activate the speaker and the light source for warming the user of the impending danger.

Claim 14:

The push button switch in the combined system of Shaffer and Livingston, III is operative to activate the locator signal for notifying the rescue provider of the location of the user.

Claim 15:

The earthquake sensor in Shaffer and Livingston, III is operative to activate the locator signal generator, speaker, and the light source for warning the user of impending danger and notifying the rescue provider of the location of the user.

Claims 16 and 17:

The device in the combined system of Shaffer and Livingston, III is designed to be carried by the user. Though not clearly stated that there is a belt clip or a strap attached the case, it would have been obvious to one skilled in the art to provide some kind of attachment to this combined system to help the user to conveniently carry the device on the user's body.

4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US Patent No. 6,411,207) in view of Livingston, III (US Patent No. 5,075,671) and further in view of Lawrence (US Patent No. 6,371,055).

Claims 7-8:

The use of a personal alarm system in which alarm sound emits sound within a hearing frequency range of a rescue animal is well known in the art as taught in Lawrence wherein an audible sound within the frequency range audible to rescue animal, such as a dog, is provided to make the dog bark to rescue the user. In light of this teaching, it would have been obvious to a skilled artisan, at the time the invention was made, to implement the system so that audible

sound with frequency heard by animal would be provided because it would be helpful to a rescue personnel who uses dogs or other animals to locate the user.

5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US Patent No. 6,411,207) in view of Livingston, III (US Patent No. 5,075,671) and further in view of Lemelson et al. (US Patent No. 6,028,514).

Claims 18-19:

Neither Shaffer nor Livingston, III discloses the use of the modem to selectively activate the output devices based on the received danger signal. However, a personal alarm system that receives danger alarm signal from a monitoring station and activates its own alarm outputs is well known in the art as taught in Lemelson et al. In view of this, a skilled artisan would have readily recognized the desirability of combining the combined system of Shaffer and Livingston, III and Lemelson because it would allow the user to receive warning signals directly provided by the personal alarm device as the result of the detection of the situation within the vicinity of the device as well as when an impending danger is detected by the central monitoring station in location remote from the personal alarm device location.

Claim 20:

The system in Lemelson determines the location and the intensity of the danger detected by the system and broadcasts the information to the user.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on Mon-Fri 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Julie Lieu
Primary Examiner
Art Unit 2636

Jan. 05, 05